

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 CAMERON SHEA, *et al.*,

13 Defendants.

CASE NO. CR20-0032-JCC

ORDER

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15 This matter comes before the Court on the Government's second motion to continue the
16 trial date (Dkt. No. 118). On August 5, 2020, Defendants were charged by superseding
17 indictment with conspiracy to mail threatening communications and to commit cyberstalking;
18 conspiracy to mail threatening communications, to commit cyberstalking, and to interfere with
19 federally protected activities; mailing threatening communications; and interference with
20 federally protected activity. (Dkt. No. 94.) Trial was scheduled for April 27, 2020. (*See* Dkt.
21 Nos. 23, 27.) As a result of the COVID-19 pandemic's impact in this district, the Government
22 moved to vacate the trial date and set a status conference to determine an appropriate trial date.
23 (Dkt. No. 48.) The Court granted the motion, scheduled a status conference for June 2, 2020, and
24 held that the time between the date of the Court's order and the date of the status conference was
25 an excludable period under the Speedy Trial Act. (Dkt. No. 58.) As a result of the pandemic's
26 continued impact in this district, the Court continued the status conference until October 20,

1 2020. (Dkt. Nos. 62, 87, 89, 107.)

2 Over the past six months, the COVID-19 pandemic has significantly impacted the
3 Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of
4 which the Court incorporates by reference.) Specifically, the pandemic has rendered the Court
5 unable to obtain an adequate spectrum of jurors to represent a fair cross section of the
6 community, and public health guidance has impacted the ability of jurors, witnesses, counsel,
7 and Court staff to be present in the courtroom. (*See generally id.*) Recently, conditions have
8 improved such that the Court can resume a limited number of in-person criminal jury trials at the
9 courthouse. Chief Judge Martinez has concluded that:

10 [F]or the foreseeable future, it will be possible to proceed with only one in-person
11 criminal jury trial at a time at each of the district's two courthouses. The order in which
12 pending criminal cases will proceed to trial will be determined by the Court in
consultation with the Federal Public Defender's Office and the United States Attorney's
13 Office.

14 W.D. Wash. General Order 15-20 (Oct. 2, 2020) at 2. Pursuant to these provisions of General
15 Order 15-20, the Court GRANTS the Government's motion (Dkt. No. 118) and SETS this matter
16 for trial on March 22, 2021. Further, the Court FINDS the ends of justice served by continuing
17 trial to this date outweigh Defendant's and the public's best interests in a speedy trial. *See* 18
U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 18 1. The COVID-19 pandemic has rendered the Court unable to obtain an adequate
19 spectrum of jurors to represent a fair cross section of the community, which would
20 likely make proceeding with an earlier trial impossible or, at a minimum, would result
21 in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 22 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
23 Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial
24 would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

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1 Accordingly, the Court GRANTS the Government's motion (Dkt. No. 118) and ORDERS:

- 2 1. Trial in this matter is scheduled for March 22, 2021.
- 3 2. The pretrial motions deadline is February 1, 2021.
- 4 3. All pretrial filings—including trial briefs, motions in limine, proposed voir dire,
5 proposed jury instructions, and proposed verdict forms—must be submitted no later
6 than Monday, February 22, 2021.
- 7 4. The period from April 15, 2020, when the Court first granted a continuance based on
8 the impact of COVID-19, until March 22, 2021, is an excludable time period under
9 18 U.S.C. section 3161(h)(7)(A).
- 10 5. The status conference scheduled for October 20, 2020 is VACATED.

12 DATED this 14th day of October 2020.

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16 John C. Coughenour
17 UNITED STATES DISTRICT JUDGE
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